

NOT VOTING—17

Barton	Gonzalez	Murtha
Burton	Goodling	Riley
Cubin	Klug	Schiff
Dingell	Martinez	Smith (OR)
Flake	McCrery	Yates
Foglietta	McDermott	

□ 0143

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H. Res. 306 was laid on the table.

The SPEAKER. Pursuant to House Resolution 311, House Resolution 320 and House Concurrent Resolution 194 are adopted.

The text of House Resolution 320 is as follows:

H. RES. 320

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The text of House Resolution 194 is as follows:

H. CON. RES. 194

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I take this time to speak out of order for the purposes of announcing the schedule and pending business before the House.

Mr. Speaker, I want to thank all the Members for their patience and good humor at this very, very late hour on Sunday and early hour on Monday.

Mr. Speaker, I do not believe we will have any more business before the House this evening that will require a vote before the House. However, we have been working with the minority, and, I believe, and I am pleased to see the gentleman from Michigan [Mr. BONIOR], there for the purpose of concurrence on this, I believe that the minority agrees in some clearances for some unanimous consent requests that would still be taken tonight and for which we should not expect a vote.

We would conclude our legislative business for this week, but I should advise Members that we would resume legislative business at noon on Wednesday next, with no votes until after 5 o'clock on next Wednesday, with the expectation that we would conclude the legislative work for the year on that Wednesday evening and on Thursday.

In order to facilitate that work to be done on Wednesday and Thursday, we would, with the concurrence of the mi-

nority, be looking for unanimous consent to have a CR that would take us through Friday of next week, and then a unanimous consent to allow a rule that would give us same day authority under which we could consider any additional appropriations conference reports to come before us, the ISTEA legislation, the Amtrak legislation, the fast-track legislation, and any suspensions that we might properly notice in agreement with the minority. That authority, incidentally, Mr. Speaker, would last through Friday.

Those particular unanimous consents will be asked, of course, upon the conclusion of this advisory commentary on the schedule.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman at this time if I heard correctly that the fast-track legislation has been put off indefinitely? Does the gentleman concur on that?

Mr. ARMEY. I am not sure I heard the word "definitely" or "indefinitely."

Mr. BONIOR. There was an "in" before the "D."

Mr. ARMEY. The fast-track legislation will not come up at this time. However, the gentleman may have noticed that we will be asking unanimous consent that that be included in that list of legislation that would be available for same-day authority on Wednesday night or Thursday.

Mr. BONIOR. So is the gentleman telling us this morning that he expects the fast-track legislation to come before us next Thursday or Friday?

Mr. ARMEY. I thank the gentleman. I guess I feel a little bit like Pip; I still have great expectations. They are shared at the White House. We are hopeful that might be worked out, but I have no announcement or even, for that matter, prediction to make at this time. We just want to have that contingency available to us, should things develop favorable to that course of action.

If I could hold the gentleman's attention, I wonder if the gentleman can concur that we should expect no objections to the unanimous consent requests that I outlined?

Mr. BONIOR. That would be my recommendation on the two unanimous consents that the gentleman has propounded to the body this morning.

Mr. ARMEY. If that be the case, Mr. Speaker, I would like to propound some unanimous consents right now.

If I may, before I do so, for the benefit of my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], who is very anxious about his own legislation and has worked very hard, and for so many Members who have unanimous consents, please understand that we are working with the minority. We may not be able to have officially

cleared and prepared for the floor through the leadership of the minority and the majority your unanimous consent for today, but we are attentive to these matters, and we are hopeful to have those worked out for you before we conclude business next week. I do again appreciate everybody's patience.

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO WEDNESDAY, NOVEMBER 12, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of today, it adjourn to meet at 12 noon on Wednesday, November 12, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WAIVING PRINTING ON PARCHMENT FOR REMAINING APPROPRIATION BILLS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that H.J. Res. 103, a joint resolution waiving the printing on parchment for the remaining appropriation bills when presented to the President, be discharged, considered, and passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States

Code, are waived for the balance of the first session of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations for the fiscal year ending on September 30, 1998, or continuing appropriations for the fiscal year ending on September 30, 1998. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, am I to understand that the continuing resolution which went into effect at midnight is now to be superseded by this continuing resolution, making the previous continuing resolution the shortest CR in the history of the United States Congress, and that under the resolution the gentleman is offering, that the CR will run until next Friday?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, to the best of my knowledge, the continuing resolution that was passed by us just a few hours ago has been in effect for approximately 2 hours, and, as such, will now be superseded by H.J. Res. 105 and will carry the activities of Government forward through the end of business until midnight this forthcoming Friday.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of H.J. Res. 105 is as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 10, 1997" and inserting in lieu thereof "November 14, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 14, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The Clerk read as follows:

H.R. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Advisory Committee Act Amendments of 1997".

SEC. 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT.

(a) EXCLUSIONS FROM DEFINITION.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration."

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—Such act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

"REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

"SEC. 15. (a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

"(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

"(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

"(3) in developing the advice or recommendation, the academy complied with—

"(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

"(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

"(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on

the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

"(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

"(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

"(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

"(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

"(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

"(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section."

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT.—Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.